IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9781 of 2005

Between:

Allampati Venugopal Reddy, S/o Rama Krishna Reddy,
R/o Kaluvoya Village & Mandal, Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Nellore Division, Nellore District.
3 The Mandal Revenue Officer, Kaluvoya Revenue Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.3 in issuing proceeding vide Rc.D.No. 603/2004, dt. 17-9-2004 in passing the orders resuming the schedule land of Ac. 3.37 in S.No. 820-1 of Kaluvoya village, Kaluvoya Mandal,Nellore District to the Government is as illegal , arbitrary, unjust and against the principles of natural justice consequently, setting aside the above said order.

Counsel for the Petitioner:MR.G.JAGADEESWAR

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER:

The third respondent-Mandal Revenue Officer, Kaluvoya Revenue Mandal, Nellore District, passed an order dated 17.09.2004 under the provisions of the

Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 thereby resuming the land to an extent of Ac.3.37 cents in S.No.820/1 situated at Kaluvyoa Village and Mandal, Nellore District, which is in the possession of the petitioner.

The petitioner states that questioning the said order, he preferred an appeal before the second respondent-Revenue Divisional Officer, Nellore on 19.04.2005 along with an application for stay. The grievance of the petitioner is that the second respondent failed to consider the said appeal and no orders have been passed even on his application for stay, but in the meanwhile, the third respondent is taking steps to implement the order dated 17.09.2004. Hence this writ petition.

Keeping in view the fact that an appeal has already been preferred by the petitioner against the impugned order dated 17.09.2004, without expressing any opinion on merits, the writ petition is disposed of with a direction to the second respondent to dispose of the application for stay filed by the petitioner in the appeal preferred against the order of the third respondent dated 17.09.2005 as expeditiously as possible, preferably within a period of two weeks from the date of receipt of this order. Till such orders are passed, the impugned order dated 17.09.2004 shall not be given effect to.

The writ petition is accordingly disposed of. No costs.

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27.04.2005

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To

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Nellore Division, Nellore District.
3 The Mandal Revenue Officer, Kaluvoya Revenue Mandal, Nellore District.

4 Two C.Cs to the G.P., for Revenue, High Court Buildings, Hyderabad (OUT).

5 2 CD copies

6 1 CC to MR.JAGADEESWAR